

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
BRONX SUPERMARKET INC., :
:

Plaintiff, :
:

-v- :
:

UNITED STATES OF AMERICA *et al.*, :
:

Defendants. :
:
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24 Civ. 9843 (PAE)

ORDER


PAUL A. ENGELMAYER, District Judge:

On January 1, 2025, plaintiff Bronx Supermarket Inc. (“Bronx Supermarket”) filed this action against defendants the United States of America and the U.S. Department of Agriculture (“USDA”), seeking review of a final agency determination by USDA. Dkt. 4 (Complaint). Rule 4(m) of the Federal Rules of Civil Procedure requires that a defendant be served with the Summons and Complaint within 90 days after the Complaint is filed. After Bronx Supermarket failed to do so, on April 10, 2025, the Court ordered Bronx Supermarket to advise the Court in writing, by April 24, 2025, why it failed to serve the Summons and Complaint within the 90-day period on defendants, or, if Bronx Supermarket believed that defendants had been served, when and in what manner such service was made. Dkt. 8 (the “April 10, 2025 Order”). The Court warned that if the Court did not receive any written communication from Bronx Supermarket by April 24, 2025, showing good cause why such service was not made within 90 days, the Court would dismiss its claims against defendants. *Id.*

The deadline set by the Court’s April 10, 2025 Order has passed, but Bronx Supermarket has not filed any submission. Accordingly, under Rule 41(b) and the Court’s inherent power, *see*

Link v. Wabash R.R. Co., 370 U.S. 626, 630–32 (1962), the Court hereby dismisses this case without prejudice for Bronx Supermarket’s failure to prosecute.

SO ORDERED.



Paul A. Engelmayer
United States District Judge

Dated: April 28, 2025
New York, New York